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"PATENT"  
1764

# TRANSMITTAL FORM

Docket No.: 2000M005 ) BEFORE THE BOARD OF PATENT  
In re ) APPEALS AND INTERFERENCES  
Application of: Chambard et al. )  
Serial No.: 09/846,483 ) E. McAvoy  
Filed: May 1, 2001 )  
For: LUBRICATING OIL COMPOSITIONS ) Group Art Unit No.  
1764

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

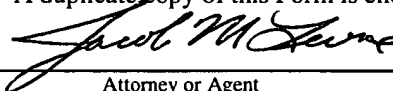
Sir:

- [ X ] The undersigned hereby certifies having information and a reasonable basis for belief that this correspondence will be deposited as first-class mail with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on May 25, 2004.

Transmitted herewith is/are:

- [ X ] Complete Appendix to Appeal Brief, Transmittal Form and Postcard.
- [ X ] Fee for Appendix is \$ 0.00.
- [ ] Petition for extension of time pursuant to 37 CFR 1.136 and 1.137 is hereby made to the extent required. The fee for this extension of time is calculated to be \$ \_\_\_\_\_ to extend the time for filing this response until \_\_\_\_\_.
- [ X ] The total fee for this response and any extension of time is calculated to be \$ 0.00.
- [ ] Charge \$ \_\_\_\_\_ to Deposit Account No. 05-1710.
- [ X ] The Assistant Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment, to Deposit Account No. 05-1710. A duplicate copy of this Form is enclosed.

May 25, 2004  
Date of Signature

  
Attorney or Agent

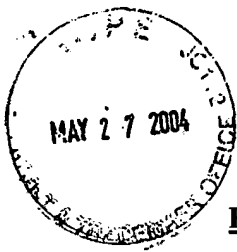
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

APPLICANT: Chambard et al.	)	
	)	
SERIAL NO.: 09/846,483	)	Examiner: E. McAvoy
	)	
FILED: May 1, 2001	)	Art Unit: 1764
	)	
TITLED: LUBRICATING OIL COMPOSITIONS	)	
	)	Atty. Docket No. 2000M005

Assistant Commissioner for Patents  
Washington, DC 20231

**CORRECTED APPENDIX TO BRIEF ON APPEAL**

Sir:

The claims on appeal are as follows:

1. A trunk piston marine engine lubricating oil composition for a medium speed compression-ignited (diesel) marine engine wherein the composition is dispersant-free and has a Total Base Number (TBN) of 25 or greater, and comprises:

- (A) an oil of lubricating viscosity, in a major amount, and added thereto:
- (B) an oil-soluble overbased metal detergent additive, as the sole overbased metal detergent, consisting of one or more aromatic carboxylates, in a minor amount, and
- (C) an antiwear additive, in a minor amount.

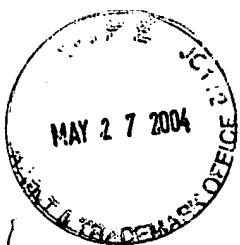
2. A trunk piston marine engine lubricating oil composition for a medium speed compression-ignited (diesel) marine engine wherein the composition is dispersant-free and has a Total Base Number (TBN) of 25 or greater, and comprises:

- (A) an oil of lubricating viscosity, in a major amount, and added thereto:
- (B) an oil-soluble overbased metal detergent additive consisting of, as the sole overbased metal detergent, one or more hydrocarbyl-substituted salicylates, in a minor amount, and
- (C) an antiwear additive comprising a dihydrocarbyl dithiophosphate metal salt, in a minor amount.

3. The composition as claimed in claim 1 further comprising a fuel oil with a residual fuel content, in a minor amount.
4. The composition as claimed in claim 1, having a TBN in the range of 25 to 100.
5. The composition as claimed in claim 1, wherein component (B) is present in the composition in an amount in the range of 0.5 to 30 mass %.
6. The composition as claimed in claim 1, wherein the one or more overbased metal detergent has or have a TBN in the range of 60 to 600.
7. The composition as claimed in claim 1, wherein the one or more overbased metal detergent is or are calcium salicylates.
8. The composition as claimed in claim 1, wherein the antiwear additive is a zinc salt.
10. A method of lubricating a medium speed compression-ignited marine engine, which method comprises supplying to the engine the truck piston marine engine oil lubricating composition as claimed in claim 1.
11. The composition as claimed in claim 2, further comprising a fuel oil with a residual fuel content, in a minor amount.
12. The composition as claimed in claim 2, having a TBN in the range of 25 to 100.
13. The composition as claimed in claim 2, wherein component (B) is present in the composition in an amount in the range of 0.5 to 30 mass %.
14. The composition as claimed in claim 2, wherein the one or more overbased metal detergent has or have a TBN in the range of 60 to 600.
15. The composition as claimed in claim 2, wherein the one or more overbased metal detergent is or are calcium salicylates.

16. The composition as claimed in claim 2, wherein the antiwear additive is a zinc salt.

17. A method of lubricating a medium speed compression-ignited marine engine, which method comprises supplying to the engine the truck piston marine engine oil lubricating composition as claimed in claim 2.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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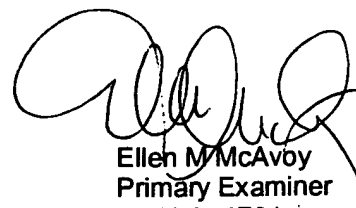
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The appendix to the Appeal Brief filed 14 March 2003 is deficient in that it does not contain a copy of claim 3.

Appellants must file a complete appendix to the Appeal Brief which includes claim 3.

  
Ellen M. McAvoy  
Primary Examiner  
Art Unit: 1764